

14
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.64 OF 2009
with
ORIGINAL APPLICATION NO.70 OF 2009

Cuttack this the 23rd day of March, 2011

CORAM:

HON'BLE SHRI C.R.MOHAPATRA, ADMINISTRATIVE MEMBER

AND

HON'BLE SHRI A.K.PATNAIK, JUDICIAL MEMBER

...
IN O.A.NO.64/2009

Ananda Chandra Sahoo, aged about 48 years, S/o.Mr.Bhagaban Sahoo, at present working as Asst.Manager (I) Information Technology in the office of the Financial Advisor and Chief Accounts Officer, East Coast Railway, Rail Sadan, At-Samanta Vihar, Chandrasekharpur, Bhubaneswar, District-Khurda

...Applicant

By the Advocates: M/s.S.B.Jena & S.Behera

-VERSUS-

1. Union of India, represented through its Secretary, Government of India, Ministry of Railways, Rail Bhawan, New Delhi-110001
2. Executive Director (Accounts) Room No.428, Rail Bhawan, Railway Board, New Delhi-110001
3. General Manager, South Eastern Railway, Garden Reach, Kolkata-43
4. General Manager, East Coast Railway, Rail Sadan, Samanta Vihar, Chandrasekharpur, Bhubaneswar, District-Khurda
5. Financial Advisor and Chief Accounts Officer, East Coast Railway, Samanta Vihar, Chandrasekharpur, Bhubaneswar, District-Khurda
6. Chief Personnel Officer, East Coast Railway, Samanta Vihar, Chandrasekharpur, Bhubaneswar, District-Khurda

...Respondents

By the Advocates: Mr.S.K.Ojha, SC & Mr.N.Routray (Intervenor)

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IN O.A.NO.70/2009

Ashok Kumar Singh Deo, aged about 45 years, S/o.A.K.Singh Deo – at present working as Asst.Financial Advisor (T)-I in the office of the Financial Advisor and Chief Accounts Officer, East Coast Railway, Rail Sadan, At-Samanta Vihar, Chandrasekharpur, Bhubaneswar, District-Khurda

...Applicant

By the Advocates: M/s.S.B.Jena & S.Behera

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5. Financial Advisor and Chief Accounts Officer, East Coast Railway, Samanta Vihar, Chandrasekharpur, Bhubaneswar, District-Khurda
6. Chief Personnel Officer, East Coast Railway, Samanta Vihar, Chandrasekharpur, Bhubaneswar, District-Khurda

...Respondents

By the Advocates: Mr.S.K.Ojha, SC & Mr.N.Routray (Intervenor)

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ORDER

HON'BLE SHRI A.K.PATNAIK, JUDICIAL MEMBER:

1. Since in the both the above mentioned Original Applications the point to be decided emerges from similar facts and circumstances, this common order is being passed.
2. The facts in brief, as revealed from the records are that while applicant in O.A. 64/2009 is at present working as Assistant Manager-I under the Respondent-Railways, the applicant in O.A.No.70/2009, is an Assistant Financial Advisor (T)-I. Both of them having a common cause of action, have approached this Tribunal seeking the following relief:

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“...to direct the Respondents to absorb the applicant in East Coast Railway by transferring his lien from South Eastern Railway.

And further be pleased to direct the Respondents to allow the applicant to avail the promotion and to continue under East Coast Railway”.

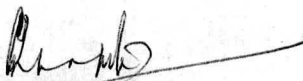
3. The Respondent-Railways have filed counter affidavits in both the O.As opposing the prayer of the applicants.

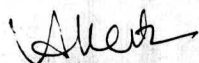
4. We have heard Shri S.B.Jena, learned counsel for the applicants, Shri S.K.Ojha, learned Standing Counsel and Shri N.Routray, learned counsel appearing for the intervenors in both the Original Applications and perused the materials on record.

5. The Respondent-Railways, in their counter affidavits, have brought to the notice of this Tribunal that in pursuance of promotion accorded by their parent Railways i.e. South Eastern Railway (in short S.E.Railway) and based on the request made by them, both the applicants have already been relieved from the East Coast Railway in order to join promotional posts in their parent S.E.Railway and in effect, both the O.A.s have become infructuous. This fact has been fortified by the respondent in O.A.No.64/2009 vide their Memo dated 14.8.2009 annexing a representation filed by the applicant addressing the respondent no.5 praying interalia there in that to release him so that he can join in the promotional post. It has been stated that “accepting his request, the E.Co.Rly. Administration released the applicant on 8.6.2009, which he accepted without any protest”. It is to be further noted that although the applicant in O.A.70/2009 has not indicated anything with regard to his relief from the East Coast Railway to join on promotion in his parent-Railways, but the respondent vide Annexure-R/2 dated 24.4.2009 brought to our notice a representation filed by the applicant requesting the respondent no. 5 to release him as he was willing to join in the promotional post in his parent Railways, the statement made by the Respondent-Railways to that effect being not rebutted by the applicant in the rejoinder, if any, is accepted and

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accordingly, we dismiss both the Original Applications for having become infructuous. No costs.


(C.R. MOHAPATRA)
ADMINISTRATIVE MEMBER


(A.K. PATNAIK)
JUDICIAL MEMBER

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